

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

<b>In the Matter of the Accusation Against:</b>	)	
	)	
	)	
<b>BRENT BJORN SAETRUM, M.D.</b>	)	<b>Case No. 12-2009-202761</b>
	)	
<b>Physician's and Surgeon's</b>	)	
<b>Certificate No. G 64189</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

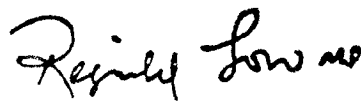
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Medical Board of California, Department of Consumer Affairs, State of California, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on May 8, 2013.

IT IS SO ORDERED April 8, 2013.

**MEDICAL BOARD OF CALIFORNIA**



By: \_\_\_\_\_  
Reginald Low, M.D., Chair  
Panel B

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 DAVID CARR  
Deputy Attorney General  
4 State Bar No. 131672  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
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*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 12-2009-202761

11 **BRENT BJORN SAETRUM, M.D.**

OAH No. 2012110642

12 5000 Hopyard Ave. Suite 100  
13 Pleasanton, CA 94588

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Physician's and Surgeon's Certificate No. G-  
15 64189

16 Respondent.

17  
18 In the interest of a prompt and speedy settlement of this matter, consistent with the  
19 public interest and the responsibility of the Medical Board of California of the Department of  
20 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and  
21 Disciplinary Order which will be submitted to the Medical Board for approval and adoption as the  
22 final disposition of the Accusation.

23 PARTIES

24 1. Complainant Linda K. Whitney is the Executive Director of the Medical Board of  
25 California. She brought this action solely in her official capacity and is represented in this matter  
26 by Kamala D. Harris, Attorney General of the State of California, by David Carr, Deputy  
27 Attorney General.

28 ///

2. Respondent Brent Saetrum, M.D. is represented in this proceeding by attorney Chester A. Rogaski, Jr., of Rogaski, Preovolos, Weber & Patterson, LLP, 455 Devlin Road, Suite 100, Napa, CA 94102-7004.

3. On July 28, 2006, the Medical Board of California issued Physician's and Surgeon's Certificate No. G-64189 to Brent Saetrum, M.D. ("Respondent"). Unless renewed, the Certificate will expire April 30, 2014.

#### JURISDICTION

4. Accusation No. 12-2009-202761 was filed before the Medical Board of California ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 29, 2011. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 12-2009-202761 is attached as Exhibit A and incorporated herein by reference.

#### ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 12-2009-202761. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

///

1 CULPABILITY

2 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
3 further proceedings, Respondent does not contest that, at an administrative hearing, Complainant  
4 could establish a *prima facie* case with respect to the charges and allegations in Accusation 12-  
5 2009-202761 and that his license is therefore subject to disciplinary action.

6 10. Respondent agrees to be bound by the Board's probationary terms as set forth in the  
7 Disciplinary Order below.

8 RESERVATION

9 11. The admissions made by Respondent herein are only for the purposes of this  
10 proceeding, or any other proceedings in which the Medical Board or other professional licensing  
11 agency is involved, and shall not be admissible in any other proceeding, criminal or civil.

12 CONTINGENCY

13 12. This stipulation shall be subject to approval by the Medical Board. Respondent  
14 understands and agrees that counsel for Complainant and the staff of the Medical Board may  
15 communicate directly with the Board regarding this stipulation and settlement, without notice to  
16 or participation by Respondent or his counsel. By signing the stipulation, Respondent  
17 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
18 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
19 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
20 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
21 and the Board shall not be disqualified from further action by having considered this matter.

22 13. The parties understand and agree that facsimile copies of this Stipulated Settlement  
23 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
24 effect as the originals.

25 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
26 the Board may, without further notice or formal proceeding, issue and enter the following  
27 Disciplinary Order.

28 ///

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G-64189, issued to Brent Bjorn Saetrum, M.D., is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain completely from the personal use or possession of controlled substances as defined in the California Uniform Controlled Substances Act, dangerous drugs as defined by Business and Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide illness or condition.

Within 15 calendar days of receiving any lawfully prescribed medications, Respondent shall notify the Board or its designee of the issuing practitioner's name, address, and telephone number; medication name, strength, and quantity; and issuing pharmacy name, address, and telephone number.

If Respondent has a confirmed positive biological fluid test for any substance (whether or not legally prescribed) and has not reported the use to the Board or its designee, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. Respondent shall not resume the practice of medicine until final decision on an accusation and/or a petition to revoke probation. An accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the notification to cease practice. If Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide Respondent with a hearing within 30 days of the request, unless Respondent stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or the Board within 15 days unless good cause can be shown for the delay. The cessation of practice interval shall not apply to the reduction of the probationary time period.

If the Board does not file an accusation or petition to revoke probation within 15 days of the issuance of the notification to cease practice or does not provide Respondent with a hearing within 30 days of such a request, the notification to cease practice shall be dissolved.

2. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the use of products or beverages containing alcohol.

If Respondent has a confirmed positive biological fluid test for alcohol, Respondent shall receive a notification from the Board or its designee to immediately cease the practice of medicine. Respondent shall not resume the practice of medicine until final decision on an accusation and/or a petition to revoke probation. An accusation and/or petition to revoke probation shall be filed by the Board within 15 days of the notification to cease practice. If Respondent requests a hearing on the accusation and/or petition to revoke probation, the Board shall provide Respondent with a hearing within 30 days of the request, unless Respondent stipulates to a later hearing. A decision shall be received from the Administrative Law Judge or the Board within 15 days unless good cause can be shown for the delay. The cessation of practice interval shall not apply to the reduction of the probationary time period.

If the Board does not file an accusation or petition to revoke probation within 15 days of the issuance of the notification to cease practice or does not provide Respondent with a hearing within 30 days of such a request, the notification to cease practice shall be dissolved.

3. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to biological fluid testing, at Respondent's expense, upon request of the Board or its designee. "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair follicle testing, or similar drug screening approved by the Board or its designee. Within 15 days of the effective date of this order, Respondent shall contract with a laboratory or service approved in advance by the Board or its designee that will conduct random, unannounced, observed, biological fluid testing. The contract shall require results of the tests to be transmitted by the laboratory or service directly to the Board or its designee within four hours of the results becoming available. Respondent shall maintain this laboratory or service contract during the period of probation.

A certified copy of any laboratory test result may be received in evidence in any proceedings between the Board and Respondent.

If Respondent fails to cooperate in a random biological fluid testing program within the

1 specified time frame, Respondent shall receive a notification from the Board or its designee to  
2 immediately cease the practice of medicine. Respondent shall not resume the practice of  
3 medicine until a final decision on an accusation and/or a petition to revoke probation is rendered.  
4 An accusation and/or petition to revoke probation shall be filed by the Board within 15 days of  
5 the notification to cease practice. If Respondent requests a hearing on the accusation and/or  
6 petition to revoke probation, the Board shall provide Respondent with a hearing within 30 days of  
7 the request, unless the Respondent stipulates to a later hearing. A decision shall be received from  
8 the Administrative Law Judge or the Board within 15 days unless good cause can be shown for  
9 the delay. The cessation of practice interval shall not apply to the reduction of the probationary  
10 time period.

11 If the Board does not file an accusation or petition to revoke probation within 15 days of the  
12 issuance of the notification to cease practice or does not provide Respondent with a hearing  
13 within 30 days of such a request, the notification to cease practice shall be dissolved.

14 4. ACTUAL SUSPENSION. As part of probation, Respondent is suspended from the  
15 practice of medicine for 60 days, which must be served before the end of the second year of  
16 probation. The Board or its designee is vested with the sole discretion to allow the suspension to  
17 be served in two increments within this period.

18 5. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of  
19 the effective date of this Decision, Respondent shall enroll in a professionalism program that  
20 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.

21 Respondent shall participate in and successfully complete that program. Respondent shall  
22 provide any information and documents that the program may deem pertinent. Respondent shall  
23 successfully complete the classroom component of the program not later than six (6) months after  
24 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
25 time specified by the program, but no later than one (1) year after attending the classroom  
26 component. The professionalism program shall be at Respondent's expense and shall be in  
27 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

28 A professionalism program taken after the acts that gave rise to the charges in the

1 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
2 or its designee, be accepted towards the fulfillment of this condition if the program would have  
3 been approved by the Board or its designee had the program been taken after the effective date of  
4 this Decision.

5 Respondent shall submit a certification of successful completion to the Board or its  
6 designee not later than 15 calendar days after successfully completing the program or not later  
7 than 15 calendar days after the effective date of the Decision, whichever is later.

8 6. CONTROLLED SUBSTANCE RECORDS AND INVENTORIES ACCESS

9 Respondent shall, throughout the period of his probation, maintain a record of all controlled  
10 substances ordered, prescribed, dispensed, administered, or possessed by Respondent, and any  
11 recommendation or approval which enables a patient or patient's primary caregiver to possess or  
12 cultivate marijuana for the personal medical purposes of the patient within the meaning of Health  
13 and Safety Code section 11362.5, showing all the following: 1) the name and address of the  
14 patient; 2) the date; 3) the name and quantity of the controlled substance; and 4) the indications  
15 and diagnosis for which the controlled substances were provided. Respondent shall keep these  
16 records in a separate file or ledger, in chronological order. All records and inventories of  
17 controlled substances shall be available for immediate inspection and copying on the premises by  
18 the Board or its designee at all times during business hours and shall be retained for the entire  
19 period of probation.

20 7. SOLO PRACTICE PROHIBITION. Respondent is prohibited from engaging in the  
21 solo practice of medicine. Prohibited solo practice includes, but is not limited to, a practice  
22 where: 1) Respondent merely shares office space with another physician but is not affiliated for  
23 purposes of providing patient care, or 2) Respondent is the sole physician practitioner at that  
24 location.

25 If Respondent fails to establish a practice with another physician or secure employment in  
26 an appropriate practice setting within 60 calendar days of the effective date of this Decision,  
27 Respondent shall receive a notification from the Board or its designee to cease the practice of  
28 medicine within three (3) calendar days after being so notified. The Respondent shall not resume



1 practice until an appropriate practice setting is established.

2 If, during the course of the probation, the Respondent's practice setting changes and the  
3 Respondent is no longer practicing in a setting in compliance with this Decision, the Respondent  
4 shall notify the Board or its designee within 5 calendar days of the practice setting change. If  
5 Respondent fails to establish a practice with another physician or secure employment in an  
6 appropriate practice setting within 60 calendar days of the practice setting change, Respondent  
7 shall receive a notification from the Board or its designee to cease the practice of medicine within  
8 three (3) calendar days after being so notified. Respondent shall not resume practice until an  
9 appropriate practice setting is established.

10 8. NOTIFICATION. Within seven (7) days of the effective date of this Decision,  
11 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
12 Chief Executive Officer at every hospital where privileges or membership are extended to  
13 Respondent, at any other facility where Respondent engages in the practice of medicine--  
14 including all physician and locum tenens registries or other similar agencies--and to the Chief  
15 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
16 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
17 calendar days of the effective date of this Order. This condition shall apply also to any change(s)  
18 in hospitals, other facilities, or insurance carrier.

19 9. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is  
20 prohibited from supervising physician assistants unless practicing in an emergency department.

21 10. OBEY ALL LAWS. Respondent shall obey all federal, state, and local laws and all  
22 rules governing the practice of medicine in California and shall remain in full compliance with  
23 any court ordered criminal probation, payments, and other orders.

24 11. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
25 under penalty of perjury on forms provided by the Board, stating whether there has been  
26 compliance with all the conditions of probation.

27 Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
28 of the preceding quarter.

1       12.   GENERAL PROBATION REQUIREMENTS.

2       Compliance with Probation Unit

3       Respondent shall comply with the Board's probation unit and with all terms and conditions  
4 of this Decision.

5       Address Changes

6       Respondent shall, at all times, keep the Board informed of Respondent's business and  
7 residence addresses, email address (if available), and telephone number. Changes of such  
8 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
9 circumstances shall a post office box serve as an address of record, except as allowed by Business  
10 and Professions Code section 2021(b).

11       Place of Practice

12       Respondent shall not engage in the practice of medicine in Respondent's residence.

13       License Renewal

14       Respondent shall maintain a current and renewed California Physician's and Surgeon's  
15 certificate.

16       Travel or Residence Outside California

17       Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
18 areas outside California which lasts, or is contemplated to last, more than thirty (30) calendar  
19 days.

20       In the event Respondent should leave California to reside or to practice, Respondent shall  
21 notify the Board or its designee in writing 30 calendar days prior to the dates of departure and  
22 return.

23       13.   INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
24 available in person upon request for interviews either at Respondent's place of business or at the  
25 probation unit office, with or without prior notice.

26       14.   NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
27 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
28 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is

1 defined as any period of time Respondent is not practicing medicine in California as defined in  
2 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month  
3 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All  
4 time spent in an intensive training program which has been approved by the Board or its designee  
5 shall not be considered non-practice. Practicing medicine in another state of the United States or  
6 Federal jurisdiction while on probation with the medical licensing authority of that state or  
7 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall  
8 not be considered as a period of non-practice.

9 In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
10 months, Respondent shall successfully complete a clinical training program that meets the criteria  
11 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and  
12 Disciplinary Guidelines" prior to resuming the practice of medicine.

13 Respondent's period of non-practice while on probation shall not exceed two (2) years.

14 Periods of non-practice will not apply to the reduction of the probationary term.

15 Periods of non-practice will relieve Respondent of the responsibility to comply with the  
16 probationary terms and conditions with the exception of this condition and the following terms  
17 and conditions of probation: "Obey All Laws" and "General Probation Requirements."

18 15. COMPLETION OF PROBATION. Respondent shall comply with all financial  
19 obligations (e.g., probation costs) not later than 120 calendar days prior to the completion of  
20 probation. Upon successful completion of probation, Respondent's Physician's and Surgeon's  
21 Certificate shall be fully restored.

22 16. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
23 of probation is a violation of probation. If Respondent violates probation in any respect, the  
24 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
25 carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation  
26 or an interim suspension order is filed against Respondent during probation, the Board shall have  
27 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
28 the matter is final.

17. LICENSE SURRENDER. Following the effective date of this Decision, if Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request to surrender his license. The Board reserves the right to evaluate Respondent's request and to exercise its discretion in determining whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall within 15 calendar days deliver his wallet and wall Physician's and Surgeon's Certificates to the Board or its designee and Respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

18. PROBATION MONITORING COSTS. Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Board, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Board or its designee no later than January 31 of each calendar year.

## ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Chester A. Rogaski, Jr. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED:

02/27/2013

**BRENT BJORN SAETRUM, M.D.**  
Respondent

1 I have read and fully discussed with Respondent Brent B. Saetrum, M.D., the terms and  
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

3 I approve its form and content.

4  
5 DATED:

2/27/13

  
CHESTER A. ROGASKI, Jr.  
Attorney for Respondent


6  
7  
8  
9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
11 submitted for consideration by the Medical Board of California of the Department of Consumer  
12 Affairs.

13 Dated: March 4, 2013

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JOSE R. GUERRERO  
Supervising Deputy Attorney General

  
DAVID CARR  
Deputy Attorney General  
Attorneys for Complainant

**Exhibit A**

**Accusation No. 12-2009-202761**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSE R. GUERRERO  
Supervising Deputy Attorney General  
3 DAVID CARR  
Deputy Attorney General  
4 State Bar No. 131672  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5538  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

**FILED**  
**STATE OF CALIFORNIA**  
**MEDICAL BOARD OF CALIFORNIA**  
**SACRAMENTO** *December 29, 2011*  
**BY: Stelchak ANALYST**

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Medical Board Case No. 12-2009-202761

12 **BRENT BJORN SAETRUM, M.D.**

OAH Case No.

13 5000 HOPYARD AVE. SUITE 100  
14 PLEASANTON, CA 94588

**A C C U S A T I O N**

15 Physician's & Surgeon's Certificate G64189,  
16 Respondent.

17  
18  
19 Complainant alleges:

20 **PARTIES**

21  
22 1. Linda K. Whitney ("Complainant") brings this Accusation solely in her official  
23 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
24 Affairs.

25 2. On or about July 28, 2006, the Medical Board of California issued Physician's &  
26 Surgeon's Certificate G64189 to Brent Bjorn Saetrum, M.D. ("Respondent"). The certificate will  
27 expire on April 30, 2012, unless renewed.

28 ///

**JURISDICTION**

3. This Accusation is brought before the Medical Board of California ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 states:

"(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

"(1) Have his or her license revoked upon order of the board.

"(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

"(4) Be publicly reprimanded by the board. The reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

"(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

"(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1."

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5. Section 2234 states:"The Division of Medical Quality<sup>1</sup> shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

“ ”

“(e) The commission of any act involving dishonesty or corruption which is substantially related to the qualifications, functions, or duties of a physician and surgeon.”

“ ”

6. Section 2238 provides that a physician's violation of any federal statute or regulation or any statute or regulation of this state pertaining to dangerous drugs constitutes unprofessional conduct.

7. Section 4022 defines “dangerous drug” as including all prescription medications.

8. Section 2261 provides that a physician's knowingly making or signing any document directly or indirectly related to the practice of medicine which falsely represents the existence or nonexistence of a state of facts constitutes unprofessional conduct.

9. Section 4324 provides that any person who falsely makes, alters, forges, utters, or passes as genuine any prescription is guilty of forgery.

10. Health and Safety Code section 11153 provides that a prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice.

## PRESCRIBED DRUGS

11. **Norco** is a trade name for hydrocodone bitartrate with acetaminophen.

<sup>1</sup> Effective January 1, 2008, the Legislature abolished the divisions of the Medical Board of California. Under Business and Professions Code section 2002, any reference to the “Division of Medical Quality” or the “Division of Licensing” in the Medical Practice Act (Business and Professions Code section 2000 *et seq*) or any other provision of law now refers to the Medical Board.

1 Acetaminophen is a non-opiate, non-salicylate analgesic and antipyretic. Hydrocodone bitartrate  
2 is a semisynthetic narcotic analgesic and a dangerous drug as defined in section 4022. Norco is a  
3 Schedule III controlled substance and narcotic as defined by section 11056, subdivision (e) of the  
4 Health and Safety Code. Repeated administration of hydrocodone may result in psychological  
5 and physical dependence.

6 12. **Oxycontin** is a trade name for oxycodone hydrochloride controlled-release tablets.  
7 Oxycodone is a white odorless crystalline powder derived from the opium alkaloid, thebaine. It is  
8 a pure agonist opioid whose principal therapeutic action is analgesia. Other therapeutic effects of  
9 oxycodone include anxiolysis, euphoria, and feelings of relaxation. Oxycontin has an abuse  
10 potential similar to morphine. Oxycontin is a dangerous drug as defined in section 4022 and a  
11 schedule II controlled substance and narcotic as defined by section 11055, subdivision (b)(1) of  
12 the Health and Safety Code. Respiratory depression is the chief hazard of all opioid agonist  
13 preparations. Oxycontin should be used with caution and started in a reduced dosage in patients  
14 concurrently receiving other central nervous system depressants including sedatives or hypnotics,  
15 general anesthetics, phenothiazines, other tranquilizers, or alcohol. Interactive effects resulting in  
16 respiratory depression, hypotension, profound sedation or coma may result if these drugs are  
17 taken in combination with the usual doses of Oxycontin.

### 18 FIRST CAUSE FOR DISCIPLINE

19 (Violation of Drug Statutes)

20 13. Respondent is subject to disciplinary action for unprofessional conduct by invocation  
21 of section 2238 in that his making and passing fraudulent prescriptions for fictitious patients  
22 violates section 4324 and Health and Safety Code section 11153, state statutes regulating  
23 dangerous drugs. The circumstances are as follows:

24 14. On or about October 26, 2009, the Medical Board received a report from a Vallejo  
25 pharmacist of Respondent's possible misuse of prescriptions for dangerous drugs. The  
26 pharmacist was troubled by the fact that Respondent, a physician, was regularly picking up the  
27  
28

1 Oxycontin Respondent prescribed for B.E.<sup>2</sup> The pharmacist reviewed the pharmacy's  
2 prescription record and discovered a number of other anomalies in Respondent's prescriptions for  
3 B.E.: all the prescriptions tendered by Respondent personally to the pharmacy in Vallejo were  
4 written from a pad listing Respondent's business address as Lodi Memorial Hospital; the monthly  
5 prescriptions for Oxycontin were the only drugs prescribed for this patient; Respondent always  
6 paid for the Oxycontin in cash; and none of the pharmacy employees with whom the pharmacist  
7 spoke had ever seen the named patient. These facts in combination were sufficiently suspicious  
8 to warrant an investigation by the Medical Board.

9 15. In the course of the resulting investigation, agents of the Medical Board obtained  
10 records of Respondent's prescribing of dangerous drugs through the California Bureau of  
11 Narcotic Enforcement's Controlled Substance Utilization Review and Evaluation System  
12 ("CURES"). The CURES reports pertaining to Respondent's prescribing for B.E. revealed that  
13 Respondent wrote 23 separate prescriptions for 100 tablets of 10 mg Oxycontin for this fictitious  
14 patient, beginning on October 17, 2008 and approximately every 30 days thereafter through July  
15 6, 2010.

16 16. On June 1, 2011, Respondent was interviewed by Medical Board investigators and  
17 questioned specifically about the Oxycontin prescriptions for patient B.E. attributed to  
18 Respondent by the CURES report. In the course of the interviews, Respondent admitted that the  
19 prescriptions for Oxycontin he wrote in the name of fictitious patient B.E. were to obtain  
20 Oxycontin for his own use. Respondent also informed the Board's investigators that he had  
21 written prescriptions for Norco for his own use in the name of fictitious patient S. L.

22 17. Subsequent investigation obtained additional CURES reports which documented 16  
23 separate prescriptions for 60 Norco 325 mg tablets written by Respondent for fictitious patient  
24 S.L., beginning October 11, 2008, and again approximately every seven weeks thereafter through  
25 September 2, 2010.

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26 <sup>2</sup> Although the prescriptions naming B.E. and S.L. as patients were not actually issued to  
27 any patient and B.E. and S.L. were not Respondent's patients at the times relevant to this action,  
28 the names used on the prescriptions are those of actual persons. The "patients" are therefore  
identified herein by initials to preserve confidentiality.

1 18. Respondent has subjected his license to discipline in that his making and passing  
2 fraudulent prescriptions for fictitious patients violates section 4324 and Health and Safety Code  
3 section 11153, state statutes regulating dangerous drugs, which constitutes unprofessional  
4 conduct under section 2238.

5 **SECOND CAUSE FOR DISCIPLINE**

6 (False Representation)

7 19. The allegations of paragraphs 13 through 16 above are incorporated by reference as if  
8 set out in full. Respondent is subject to disciplinary action for unprofessional conduct in that the  
9 prescriptions he wrote for himself in the name of a fictitious patient were false representations in  
10 violation of section 2261.

11 **THIRD CAUSE FOR DISCIPLINE**

12 (Dishonest Acts)

13 20. The allegations of paragraphs 13 through 16 above are incorporated by reference as if  
14 set out in full. Respondent is subject to disciplinary action in that his making and passing false  
15 prescriptions naming a fictitious patient were dishonest acts in violation of section 2234(e), which  
16 constitute unprofessional conduct.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
19 and that following the hearing, the Medical Board of California issue a decision:  
20

21 1. Revoking or suspending Physician's & Surgeon's Certificate G64189, issued to Brent  
22 Bjorn Saetrum, M.D.;

23 2. Revoking, suspending, or denying approval of Brent Bjorn Saetrum, M.D.'s authority  
24 to supervise physician assistants, pursuant to section 3527 of the Code;

25 3. Ordering Brent Bjorn Saetrum, M.D., if placed on probation, to pay the annual costs  
26 of probation monitoring; and

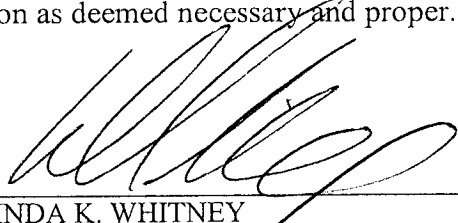
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4. Taking such other and further action as deemed necessary and proper.

DATED: December 29, 2011



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LINDA K. WHITNEY  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*